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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,225

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Matteo Zoppas

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

12/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,225	Applicant(s) ZOPPAS ET AL.	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050310</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-11, drawn to a process for treating the coating of bottles.

Group II, claims 12-14, drawn to a device for treating the coating of bottles made.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The common technical feature of groups I and II is the path that the air takes over the bottles as they are dried. This common technical feature fails to become a special technical feature because this path for the flow of air around bottles is known in the prior art and is shown by Kirschner et al. (US5658619).

During a telephone conversation with Mark Larusso on October 2, 2008, from PTO examiner Andrew Bowman of art unit 1792, a provisional election was made without traverse to prosecute the invention of group II, claims 12-14. Subsequent to this election, the application was transferred to the undersigned examiner for prosecution of the application on the merits.

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Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1-11 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman (US 3,934,993) in view of Wetmore (US 2,515,098) in further view of Smith

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(US 2,515,098). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Bowman as comprising:

a process for treating the coating of bottles made of thermoplastic material coming from a plant where each bottle is held by its aperture by means of evenly distributed specific gripping devices moved by a conveyor chain, dipped into a resin solution in a solvent in order to create a protective and impermeable-to-gas layer on the outer surface of the bottle, excess paint is appropriately removed, and said solvent is evaporated (background of invention disclosure), the drying process characterised by the following steps:

i. Feeding the bottles through a first area of the treatment furnace located under spaced out heating elements (column 2 lines 10-18);

ii. Providing an air flow from outside the treatment furnace into said first area of the furnace directed upwardly, first, around the bottles and, then, around said heating elements (column 2 lines 31-44);

iii. Sending said bottles, after feeding them under the heating elements, into a second area of the furnace, which is located above said heating elements (figure 1);

iv. Allowing the airflow, which has already flown around said heating elements, to flow around the bottles in said second area (column 2 lines 19-30);

v. Mixing at least part of the hot airflow flowing out of said second area with air obtained from outside before sending a refreshed airflow to said first area of the furnace (column 2 lines 10-18). Bowman also discloses the claimed chain having a plurality of chucks that grip and hold the bottles in the furnace when in proximity of the furnace and

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passing outside of it parallelly to the wall provided with an opening adapted to allow the passage of the neck of the bottles, making it possible to keep the neck of the bottles outside the furnace and to divide the airflow (column 2 lines 10-15) wherein a separate inlet chamber of the air from an outlet chamber from which the air, after passing from the lower area to the upper area and being heated by the heating elements, flows out of the chamber (figures 1 and 2) wherein said wall also serves to deflect part of the airflow coming from the duct to area to send it to the chucks to cool the neck of the bottles (column 2). Bowman discloses the claimed invention, except for the claimed chamber, delimited by walls, comprising the following elements: a first lower area for treating bottles, and a second upper area for treating bottles; a furnace placed inside the lower area equipped with heating elements suitable to emit thermal radiation; this furnace is delimited by a wall, part of the outer wall, an upper wall, and a lower wall both suitable to reflect the thermal radiation and allow gas to flow through; means suitable to create a flow of ambient air and to control the flow rate; a chamber suitable to receive said airflow; delimited by walls and communicating with a vertical duct, which is delimited by a wall and an element that in turn communicates with said lower area to permit air flow from the chamber to said area. Wetmore, another bottle treatment process, discloses that feature on page 2 lines 27-111. It would have been obvious to one skilled in the art to combine the features of Bowman with the chamber, delimited by walls, comprising the following elements: a first lower area for treating bottles, and a second upper area for treating bottles; a furnace placed inside the lower area equipped with heating elements suitable to emit thermal radiation; this furnace is delimited by a wall, part of

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the outer wall, an upper wall, and a lower wall both suitable to reflect the thermal radiation and allow gas to flow through; means suitable to create a flow of ambient air and to control the flow rate; a chamber suitable to receive said airflow; delimited by walls and communicating with a vertical duct, which is delimited by a wall and an element that in turn communicates with said lower area to permit air flow from the chamber to said area, disclosed by Wetmore, for the purpose of providing an enclosed heat treatment area. Furthermore, Bowman in view of Wetmore, discloses the claimed invention, except for the claimed door. Smith, another bottle treatment process discloses that feature at column 11 lines 21-34. It would have been obvious to one skilled in the art to combine the teachings of Bowman in view of Wetmore, with the door disclosed in Smith for the purpose of providing access to a bottle treatment area.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references cited with this action disclose one or more features of the claimed invention, but are not relied upon in rejecting the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 24, 2008
/Stephen M. Gravini/
Primary Examiner, Art Unit 3743